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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. ROBERT GLEN MOURITSEN, Defendant.	Case No. 1:18-cr-00075 TC UNITED STATES' DEMAND FOR A SPEEDY TRIAL AND OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE JURY TRIAL Judge Tena Campbell
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The United States demands a speedy trial and objects to the defendant's second motion to continue the trial date. The United States requests that the Court maintain March 11, 2019 as the trial date in this case and also requests that the Court issue a corresponding scheduling order.

The Speedy Trial Act contemplates that both the defendant and the public possess the right to a speedy trial. 18 U.S.C. § 3161(h)(7)(A). In fact, because of the law's emphasis on the public's right to a speedy trial, the Supreme Court has held that a criminal defendant cannot waive the application of the Speedy Trial Act. *Zedner v. United States*, 547 U.S. 489, 500 (2006); *Barker v. Wingo*, 407 U.S. 514, 519 (1972) (observing that the societal interest in a speedy trial exists separate from and in opposition to the interests of the accused). In that regard, the United States stands in the position of the public in asserting its right to a speedy trial. Exorbitant delay and the staleness it produces adversely impacts the fact and truth finding

processes that a trial attempts to afford. Over time, witnesses become unavailable, memories fade, and evidence dissipates.

Although this case has only been continued once, it has been approximately 159 days since the defendant was indicted. The defendant makes no representation regarding the number of days that have passed under the STA clock; however, by the government's calculation approximately forty-three (43) days have passed. Given the amount of time that has already passed, the United States takes the position that Mr. Mouritsen has been provided with adequate time to prepare for trial.

Of more pressing concern is that one of the main witnesses (and victims) to be called in the United States' case-in-chief against Mr. Mouritsen is now 91 years old. This 91-year old witness is in good health and currently able to testify, but that could change at any time. The United States seeks to have this witness testify before a jury as soon as possible.

Respectfully submitted this 4th day of February 2019.

JOHN W. HUBER
United States Attorney

/s/ Jacob J. Strain
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Assistant United States Attorney